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Lawyers' migration gives Briggs a much bigger IP brigade

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Lateral moves are an everyday occurrence in the Minnesota legal community, but it's not often that virtually half of a practice area makes the leap from one firm to another.

The move of seven IP litigation and patent prosecution attorneys late last month from Fulbright & Jaworski to Briggs and Morgan was significant for the way it virtually doubled the size of one firm's IP group while depleting the other.

The seven new Briggs attorneys are shareholders Alan M. Anderson, John F. Klos, Matthew R. Palen, Sharna A. Wahlgren and Christopher A. Young; associate Audrey J. Babcock; and Aleya Rahman Champlin, of counsel. The move increases Briggs' IP group from nine to 16, and bumps up the firm's total attorney roster to more than 170.

"It added depth as well as numbers, basically overnight," said Briggs president Alan H. Maclin. "For a while, we had been looking to expand our IP group, both in the patent trademark prosecution area and in the IP litigation area. But we wanted to be very careful with who we brought in and what their expertise was."

Making a name

The move was set in motion last year by

Anderson, who found himself weighing his professional options only to discover that Wahlgren and Klos were thinking along similar lines.

"It came down to the fact that we were looking for a firm that had wider name



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recognition in the Twin Cities, and a place where our practices would fit and add something that wasn't there already," Anderson said.

Anderson said part of the group's frustration stemmed from the fact that Fulbright, which has had a Minneapolis office since 2000, had a hard time establishing itself among its local clients.

"The Fulbright office in Minneapolis just wasn't really expanding," he said. "When it comes to really servicing your clients, it's difficult to do that from a small satellite office of a large firm."

Wahlgren added she had been fielding offers from other firms during that time, and that Briggs was just one of the firms contacted by Anderson.

"We considered the marketplace," she said. "It's a small legal community, so we had conversations with other firms."

While none of the former Fulbright attorneys or anyone from Briggs would reveal whether an increase in compensation was part of the reason for

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the jump, Anderson said that wasn't the case. "I don't think there was anything driving this with respect to compensation," he said.

Wahlgren said that it was "much more about the work we'd be able to do. I have a pretty significant IP practice, and I know a lot of people in the community who practice in that area. I'd heard all along that both the work culture and the people here were great. It's a positive, entrepreneurial environment."

Half and double

Meanwhile, according to the attorney roster on Fulbright's website, the defection slashes its IP practice group from 14 to seven. The Minneapolis office of Houston, Tex.-based Fulbright — which has 16 offices in the United States and internationally — now contains 16 attorneys in total.

As for how the sudden decrease in its Minneapolis roster would impact things at Fulbright, firm representatives said it wouldn't affect their determination to succeed locally.

"Fulbright is recognized internationally for the top quality of our legal talent, service and experience," said Ronn Kreps, managing partner in charge of Fulbright's Minneapolis office, in an e-mail to Minnesota Lawyer. "While many of our attorneys have made their careers here, others choose different paths. We wish our colleagues well."

Kreps also pointed out that overall, Fulbright's IP practice remains strong, with about 150 intellectual property lawyers firm-wide, adding, "We are committed to our Minnesota presence."

Fulbright's intellectual property practice has earned a top reputation in the IP-based legal industry. Last year, the news outlet IP Law 360 Newswire ranked Fulbright in the top five for all U.S. firms in trademark litigation.

New clients on the way

All seven lawyers will bring their client books with them, and are expected to help on matters involving existing Briggs clients. Between them, the new Briggs attorneys have in the past represented such companies as Plymouth-based Onesta Nutrition, New York-based sweetener product maker Sweeteners Plus Inc., DePere, Wis.-based Transclean Corp., Stratford, Conn.-based Bridgeport Fittings

Inc. and Golden Valley cleaning products maker Tennant Co.

While with Fulbright, Wahlgren helped win a large judgment for Sweeteners Plus.

Anderson and Wahlgren also successfully defended Kraft against a suit filed by Schwan's over the use of the term "brick oven" in marketing frozen pizza.

"In this group, we've done a lot of large intellectual property litigation all around the country, literally from New York to Los Angeles," said Anderson. "We bring some real experience and expertise. We've gotten eight-figure judgments and nine-figure settlements."

He added that the seven new Briggs lawyers plan to better establish the firm in such growing areas as food science patent prosecution, franchise litigation, general complex commercial litigation and IP-related international arbitration.

"If you're doing business internationally, you need to have international arbitration clauses in your contracts," he said. "It's the only way to really resolve a dispute efficiently with an international party."

For the expertise the Fulbright lawyers bring, Wahlgren added that the potential professional payoff is huge.

"Briggs is really committed to growing its IP practice," she said. "To take seven of us at once demonstrates their enthusiasm about this."

Anderson said the move will give him a better capability to provide a complete range of services locally. "I'll also have a greater ability to serve mid-level market clients, because the cost structure [at Briggs] is different," he said.

Even with the big addition, Maclin said Briggs is planning on further expansion in 2008, with three new laterals coming on over the next month or so, followed by eight new associates in September.

"We're just generally interested in expanding the practice area," said Maclin. "We didn't have a specific number in mind; it just turned out that seven were interested. If only one or two had come to us, we probably would have been just as interested in them."

"Everybody in the Upper Midwest has heard of Briggs — that's a great advantage," said Anderson. "We're just adding to an already deep bench." 

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